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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,182	03/02/2004	Paul Gaudron	POF-0008	4898
23413	7590	12/22/2004	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			REESE, DAVID C	
			ART UNIT	PAPER NUMBER
			3677	
DATE MAILED: 12/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/792,182

Applicant(s)

GAUDRON ET AL.

Examiner

David C. Reese

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14, drawn to a fastener assembly and barrier, classified in class 411, subclass 353.
- II. Claims 15-18 drawn to a method for assembling a washer/fastener assembly, classified in class 470, subclass 46.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, there is more than one method for forming a fastener and washer assembly, for example, as the former can be assembled via metalworking or a variety of other tools for example.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Keith Murphy on 11/30/04, a provisional election was made with traverse to prosecute the invention of I, claims 1-14. Affirmation of this election must be made by applicant in replying to this Office action. Claims 15-18

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are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Status of Claims***

**[1]** Claims 1-14 are pending.

***Claim Objections***

**[2]** Claim 10 is objected to because of the following informalities: "the sleeve" in line 1 has no antecedent basis, that is, it is not referred to in Claim 9.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

**[3]** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**[4]** Claims 1-6, 8-12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartmann et al., U.S. Patent Publication US 2002/0054807.

Hartmann et al. teaches of an assembly unit including a component and at least one screw.

As for Claim 1, Hartmann et al. discloses an assembly unit comprising:

a fastener (8 in Fig. 1);

a barrier engaged with the fastener via an aperture (18 in Fig. 1), the aperture being configured and dimensioned to create an interference fit with the fastener (28 in Fig. 1); and

a washer (2 in Fig. 1) having an opening therein (17 in Fig. 1), the opening receiving the barrier (17 in Fig. 1, and stated by Hartmann et al. in paragraph [0033], "A through hole 17 is located at a certain place of the component 2).

As for Claim 2, Re: Claim 1, Hartmann et al. discloses an assembly unit wherein the barrier includes an outside dimension and configuration calculated to form an interference fit with the washer opening (17 in Fig. 1).

As for Claim 3, Re: Claim 1, Hartmann et al. discloses an assembly unit wherein the barrier includes at least one detent to secure the barrier in the washer opening (21

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in Fig. 1, and stated by Hartmann et al. in paragraph [0034], "...and it may include a protrusion which especially forms an expanding rib 21").

As for Claim 4, Re: Claim 1, Hartmann et al. discloses an assembly unit wherein the at least one detent is a ridge (21 in Fig. 1, and stated by Hartmann et al. in paragraph [0034], "...and it may include a protrusion which especially forms an expanding rib 21").

As for Claim 5, Re: Claim 1, Hartmann et al. discloses an assembly unit wherein the barrier comprises a tubular body (28 in Fig. 1).

As for Claim 6, Re: Claim 5, Hartmann et al. discloses an assembly unit wherein the barrier further comprises a flange extending radially outwardly from the tubular body (20 in Fig. 1).

As for Claim 8, Re: Claim 1, Hartmann et al. discloses an assembly unit wherein the barrier is a single unitary piece of plastic (18 in Fig. 1, and stated from Hartmann et al., paragraph [0034] states, "The bush 18 is made of plastic material...").

As for Claim 9, Hartmann et al. discloses an assembly unit comprising:  
a body having one or more outside dimensions calculated to engage an opening in a washer in an interference fit sufficient to retain the washer on the body in an assembly (17 in Fig. 1);

an aperture in the body extending at least substantially through the body, said aperture in the body having a dimension and configuration to create an interference fit with a fastener (28 in Fig. 1).

As for Claim 10, Re: Claim 9, Hartmann et al. discloses an assembly unit wherein the sleeve further comprises a flange extending radially outwardly of the one for more outside dimensions of the body (20 in Fig. 1).

As for Claim 11, Re: Claim 9, Hartmann et al. discloses an assembly unit wherein the body further includes at least one detent (21 in Fig. 1, and stated by Hartmann et al. in paragraph [0034], "...and it may include a protrusion which especially forms an expanding rib 21").

As for Claim 12, Re: Claim 11, Hartmann et al. discloses an assembly unit wherein said detent is a ridge (21 in Fig. 1, and stated by Hartmann et al. in paragraph [0034], "...and it may include a protrusion which especially forms an expanding rib 21").

As for Claim 14, Re: Claim 9, Hartmann et al. discloses an assembly unit wherein the barrier is constructed at least in part of a plastic material (18 in Fig. 1, and stated from Hartmann et al., paragraph [0034] states, "The bush 18 is made of plastic material...").

### ***Claim Rejections - 35 USC § 103***

**[5]** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**[6]** Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartmann et al. US-2002/0054807 in view of Lenac et al., US-5,860,780.

Hartmann et al. teaches of the above claims.

However, Hartmann et al. fails to disclose expressly that the bush, (18 in Fig. 1), can be made out of a lubricious material.

Lenac et al. teaches of a self-lubricated thrust rivet "...lubricious bearing material such as an organic polymer or plastic material," continuing with part 2 line 25, "...in which the sliding layer is adapted to engage...to provide for substantially maintenance free sliding movement of the member..."

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify the bush, (18 in Fig. 1), as taught by Hartmann et al., to incorporate an embodiment made of a lubricious material as taught by Lenac et al., in order to create a bush or barrier that possesses the capacity of providing maintenance free movement of one element relative to another, as well as deterring excess friction when being manipulated or inserted into the washer and/or fastener.



**Conclusion**


[7] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows: Radtke, US 2002/0009350; Schneider, 6,309,156; Antoine et al., 6,227,784; Van Boven et al., 5,807,052; Oxford, 6,485,241; Udell et al., 6,030,161; Knohl, 5,244,325; Knohl, 5,328,311; Szczukowski et al., 6,280,132; Gulistan, 4,621,961; Lenac et al., 5,860,780.

[8] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is 703-305-4805. The examiner can normally be reached on 7:30 am - 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,  
David Reese  
Assistant Examiner  
Art Unit 3677

  
ROBERT J. SANDY  
PRIMARY EXAMINER